

Notice of Oral and Written *Ex Parte* Presentation

January 19, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338;
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98;
Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147;

Dear Ms. Dortch:

On Friday, January 17, 2003, Peter Pitsch of Intel met with FCC Commissioner Kevin Martin and his legal advisor Dan Gonzalez regarding the above referenced proceedings. Mr. Pitsch stressed the importance of fundamentally reforming the unbundling rules to create strong incentives to deploy new last mile broadband facilities. He indicated that the competitors should continue to get access to existing unbundled facilities but not new packet-based facilities. Thus, existing non packet loop capabilities over copper and hybrid fiber/copper loop facilities would continue to be available to CLECs, including high capacity UNEs, e.g., DS-1s, subject to Commission determinations with respect to "impairment". He indicated that this clarification could be implemented by modifying the High Tech Broadband Coalition draft language in Section 51.319(a) by substituting "any existing non packet loop capability" for "a non-packetized voice-grade equivalent channel for basic telephone service where such technical capability already existed."

This approach would assure that the competitors continue to get what they get today, but at the same time give all carriers the incentive to invest in new last mile fiber and related broadband facilities where the incumbent local exchange carriers have no unfair advantage and face actual and potential competition from cable modem service providers. In the course of the discussion, he also discussed various policy arguments already contained in previously filed pleadings in these proceedings. These pleadings are summarized in the second attachment to this letter.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, a copy of this submission is being provided to Commissioner Kevin Martin and Mr. Dan Gonzalez. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

/s/ Peter K. Pitsch

Peter K. Pitsch
Intel Corporation
Director, Communications Policy

cc:
Commissioner Kevin Martin
Dan Gonzalez, Esquire